

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. CR 05-1849 JH

AYLA JARVIS,

Defendant.

DEFENDANT AYLAR JARVIS' UNOPPOSED MOTION
FOR PLACEMENT AT LA PASADA HALF-WAY HOUSE

COMES NOW the Defendant, Ayla Jarvis, by and through her attorney John F. Robbenhaar, and pursuant to 18 U.S.C. § 3142, respectfully submits this unopposed motion requesting that the Magistrate Court reconsider the Order of Detention issued on October 12, 2005, and release her to the La Pasada Half-Way House. As grounds in support, Defendant Ayla Jarvis states the following:

1. On October 12, 2005, the Magistrate Court, by and through the Honorable W. Daniel Schneider, conducted a detention hearing and ordered that the Defendant Ayla Jarvis be detained. Defendant has remained in custody since her arrest in Columbus, Ohio on August 25, 2005.

2. Subsequent to the October 12, 2005 detention hearing, counsel for Ms. Jarvis has explored release options with the Government and with Pre-Trial Services, and the parties agree that placement at La Pasada Half-Way House in Albuquerque is appropriate for Ms. Jarvis.¹ The proposed release to the Half-Way House envisions

¹ By this unopposed motion, Defendant formally withdraws her previous motion to reconsider her detention, which was filed on December 7, 2005.

Pre-Trial Services supervision, with a combination of school, employment and treatment and/or counseling as deemed appropriate. Of course, Ms. Jarvis is willing to abide by any additional conditions that the Court may deem necessary and appropriate.

3. MEDICAL NEEDS. As part of the plan proposed by the Defendant and discussed with counsel for the Government and Pre-Trial Services, release to the Half-Way House would allow Ms. Jarvis to receive treatment for her serious medical conditions. In October 2004, Ms. Jarvis was diagnosed with Hepatitis C, a life-threatening and extremely contagious illness which, if untreated or not treated appropriately, may cause permanent damage to the individual's liver. Prior to her arrest, Ms. Jarvis was receiving aggressive, private treatments at the Whole Life Clinic, in Santa Fe, New Mexico. The Defendant's medical history also includes diagnoses of trichotillomania, an anxiety disorder which manifests itself in self-destructive behavior such as pulling one's hair out. The disorder tends to worsen when one's anxiety level increases. Defendant has complained that, in the absence of proper medication and under the stresses of the pending Indictment and her present incarceration, the trichotillomania is worsening. It is envisioned that, while at the Half-Way House, Ms. Jarvis would be able to treat with medical professionals to address these conditions.²

4. SCHOOL. In anticipation of the instant unopposed motion, the Defendant Ayla Jarvis has applied for admission as a full-time student at the Technical Vocation

² It is worth noting that, prior to her arrest in August 2005, Ms. Jarvis was regularly seeing her primary care physician Dr. Lenya Reese for treatment of her Hepatitis C condition, as well as for other diagnoses and ailments. Dr. Reese has indicated that Ayla Jarvis requires immediate continuation of the treatment she was receiving at the Whole Life Clinic, and the interruption of her treatment by the present incarceration is detrimental to Ms. Jarvis' prognosis.

Institute (TVI) in Albuquerque, New Mexico. Classes for the Spring semester at TVI commence January 9, 2006, and it is counsel's understanding that Ms. Jarvis still needs to formally register for her classes. At age 19, Ms. Jarvis understands that it is imperative that she continue her education at the college level, and accordingly she intends to obtain her college degree. Because the instant case is not scheduled to proceed to trial until October 2006, Ms. Jarvis could at a minimum take classes during the Spring and Summer semesters, and possibly in the Fall 2006 as well.

5. THERAPY. The Defendant Ayla Jarvis is 19 years old, and the daughter of the lead defendant Dana Jarvis. Ms. Jarvis has a history of anxiety and mild depression, and her continued and lengthy incarceration will likely aggravate these conditions. Needless to say, Ms. Jarvis requires assistance in coping with the fact that her father is facing life imprisonment if convicted of the present charges. A licensed therapist would be able to address these and other matters, and help insure that Ms. Jarvis' anxiety and depression don't worsen. Ms. Jarvis hopes to schedule therapy sessions with a counselor that she might locate through the assistance of Pre-Trial Services.

6. Release to La Pasada Half-Way House, with any additional conditions as deemed appropriate by the Court, represents the least restrictive means necessary to guarantee the safety of the community and the future appearance of Ms. Jarvis at all court hearings.

7. Counsel for the Government, James Braun, concurs in the relief sought.

WHEREFORE, the Defendant Ayla Jarvis respectfully requests this Court to release her to La Pasada Half-Way House. and for such other and further relief as the

Court deems appropriate.

Respectfully submitted,

Filed Electronically
JOHN F. ROBBENHAAR
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I HEREBY CERTIFY that a true and correct copy of the foregoing pleading was mailed/delivered to the following on January 4, 2006:

JAMES BRAUN
Assistant U.S. Attorney
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THERESE GREGORY
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